

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

ALAMO BREWING CO., LLC,	§	
	§	
Plaintiff,	§	
	§	
VS.	§	CIVIL ACTION NO. SA-14-CA-0285-FB
	§	
OLD 300 BREWING, LLC d/b/a TEXIAN	§	
BREWING CO.,	§	
	§	
Defendant,	§	
	§	
THE STATE OF TEXAS,	§	
	§	
Intervening Defendant.	§	

ORDER ACCEPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE

The Court has considered the Report and Recommendation of the United States Magistrate Judge filed in the above styled and numbered cause (docket #13), and Plaintiff's Objections to Report and Recommendation of the United States Magistrate Judge (docket #15).

Where no party has objected to a Magistrate Judge's Report and Recommendation, the Court need not conduct a de novo review of them. *See* 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings and recommendations to which objection is made."). In such cases, the Court need only review the Report and Recommendation and determine whether they are either clearly erroneous or contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918 (1989).

On the other hand, any Report or Recommendation to which there are objections requires de novo review by the Court. Such a review means that the Court will examine the entire record, and will make an independent assessment of the law. The Court need not, however, conduct a de novo review when the objections are frivolous, conclusive, or general in nature. *Battle v. United States Parole Commission*, 834 F.2d 419, 421 (5th Cir. 1987).

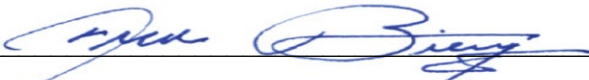
In the Report, Magistrate Judge Mathy recommends that the Motion to Intervene filed by the State of Texas should be granted. The Court has conducted a de novo review of the Magistrate Judge's Report and Recommendation with respect to the objections filed by plaintiff in relation to the pleadings and applicable law. The Court concludes these objections are without merit.

Having found the objections to be without merit, the Court hereby accepts, approves, and adopts the Magistrate Judge's factual findings and legal conclusions contained in the Report and Recommendation. Therefore, the Report and Recommendation shall be accepted pursuant to 28 U.S.C. § 636(b)(1) such that the Motion to Intervene filed April 28, 2014 (docket #5) shall be GRANTED.

Accordingly, it is hereby ORDERED that the Report and Recommendation of the United States Magistrate Judge, filed in this case on May 21, 2014 (docket #13), is ACCEPTED such that the Motion to Intervene filed by the State of Texas (docket #5) is GRANTED.

It is so ORDERED.

SIGNED this 14th day of October, 2014.



FRED BIERY
CHIEF UNITED STATES DISTRICT JUDGE